

M/027/0087
cc: Wayne



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

FILLMORE FIELD OFFICE

95 East 500 North
Fillmore, Utah 84631



RECEIVED

NOV 08 2010

DIV. OF OIL, GAS & MINING

In Reply Refer to:

3809 (UTW02000)

UTU 79464, UTU-79464-01,

UTU78279, UTU 87818

November 2, 2010

CERTIFIED MAIL # 7008 2810 0000 9873 1088

RETURN RECEIPT REQUESTED

DECISION

STONE RESOURCES LLC
W DAVID WESTON
218 W PAXTON AVE
SALT LAKE CITY UT 84101

:
: 43 CFR 3809 - Surface Management Plan
:
:

Determination of Required Financial Guarantee Amount for UTU 79464-01 Closure of UTU 79464, UTU 78279, and UTU 87818

Bureau of Land Management (BLM) case files number UTU 79464-01, your Plan of Operation (Plan) for Burgandy quarry (currently under cessation order); UTU 79464, your expired Notice for exploration at the Burgandy quarry; UTU 78279, your expired Notice for the Buckskin quarry; and UTU 87818, your proposed Plan of Operation at the North Canyon Quarries collectively underwent inspection on October 20, 2010. These operations are permitted with the Utah Division of Oil, Gas, and Mining (UDOGM) under their Large Mining Operation M/027/087. The purpose of the inspection was to discuss reclamation at these operations and the unauthorized operations at the Smoke and Mauve quarries.

Jerry Mansfield, Geologist for the BLM Fillmore Field Office (FFO) met with you on site for the inspection. Initial discussion included confirmation that the mineral examination had been completed and that the exam found your mining claims to be invalid. You confirmed your receipt of the notice the claims were being contested, as well as your intent to appeal the contest. Mr. Mansfield explained the significance of the paleontological resource and the Fillmore Field Office's plan to create a site that would allow collection and study of the paleontological resources.

The inspection revealed that all palettes, equipment and refuse had been removed from the quarries. You agreed to complete some minor movement of material to fill in some areas that presented a loose material high wall danger and to close off vehicle access, except for limited parking areas, to the Buckskin, Mauve and Smoke quarries. These quarries are now in good

form for the after mining use BLM wishes for the lands at these sites. It was agreed that the Burgandy quarry would be left in a stable condition, but not to BLM's required post mining condition, pending the outcome of the mining claim contest. Should you prevail in the contest of the mining claims, it is agreed you will submit a new Plan of Operation under which you would proceed with your operation. Since no further mining is to take place until the outcome of the contest and approval of a new Plan and the Buckskin, Mauve and Smoke quarries are reclaimed to post mining use condition for BLM's plans, a financial guarantee is only necessary for the current disturbance at the Burgandy quarry and will be held on UTU 79464-01. The disturbance at the Burgandy quarry in the SE1/4 of section 30, T. 18 S., R. 13 W. is approximately 2.9 acres.

Amount of Financial Guarantee – This office has consulted with UDOGM to update the financial guarantee. BLM has determined that the amount of \$16,300 is sufficient to meet all anticipated reclamation requirements. The amount of the reclamation cost estimate is based on the operator complying with all applicable operating and reclamation requirements.

BLM's decision concerning the amount of the required financial guarantee does not relieve you, the operator, of your responsibility to be in compliance with all applicable Federal, State and local laws and regulations, and to obtain all applicable Federal, State and local authorizations and permits. You are responsible for preventing any unnecessary or undue degradation of public lands and resources, and for reclaiming all lands disturbed by your operations.

Required Financial Guarantee – A financial guarantee in the amount of \$16,300.00 is required to remain on file with the Utah State Office of the BLM, PO Box 45155, Salt Lake City, Utah 84145-0155.

The types of financial instruments that are acceptable to the BLM are found at 43 CFR 3809.555. Please contact Rita Stelmach or Opie Abeyta, Land Law Examiners at the BLM Utah State Office, at (801) 539-4121 and (801) 539-4123 respectively for further information on the adjudication of financial guarantees.

This decision does not constitute certification of ownership to any entity named in the Plan, recognition of the validity of any associated mining claims, or recognition of the economic feasibility of the proposed operations.

Appeal of the Decision Determining the Required Financial Guarantee Amount - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a Stay is granted by the State Director. Standards for obtaining a Stay are given below. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State Director does not make a decision concerning your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact

the BLM Utah State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below). If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office at 95 East 500 North, Fillmore, Utah 84631 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a Stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a Stay must accompany your notice of appeal. A petition for a Stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a Stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

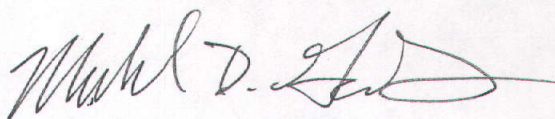
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a Stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the Stay is not granted, and
4. Whether the public interest favors granting the Stay.

If you have any questions, please contact Jerry Mansfield, FFO Geologist, at (435) 743-3125.

Sincerely,



Michael D. Gates
Field Manager

Enclosure: Form 1842-1

cc:

Wayne Western

UDOGM

1594 W North Temple Ste 1210

Salt Lake City, UT 84114

Opie Abeyta (UT-923)

Utah State Office/ BLM

PO Box 45155

Salt Lake City, UT 84145-0155